



JON S. CORZINE  
Governor

## New Jersey Office of the Attorney General

Division of Consumer Affairs  
New Jersey State Board of Optometrists  
124 Halsey Street, 6<sup>th</sup> Floor, Newark, NJ 07102

July 17, 2008



ANNE MILGRAM  
Attorney General

DAVID SZUCHMAN  
Director

By Certified and Regular Mail

Jeffrey Kaufman, O.D.  
The Eye Health Group  
341 Route 4 West  
Paramus, N.J. 07652

**Mailing Address:**  
P.O. Box 45012  
Newark, NJ 07101  
(973) 504-6440

Re: Offer of Settlement In Lieu of Filing a Formal Disciplinary Complaint

Dear Dr. Kaufman:

This letter is to advise you that the New Jersey State Board of Optometrists (Board) has had an opportunity to review information concerning a medical malpractice action resulting in a settlement made on your behalf to a fifty-nine (59) year old patient, D.P. who reported a decrease in his near vision and alleged that you as the optometrist failed to diagnose glaucoma. Specifically, the information reviewed revealed that you performed an eye examination on D. P. on or about September 21, 2003. During this examination you noted mild cortical cataract formation, the vitreous was clear, the optic nerve head appeared normal, and there were no Drance hemorrhages seen. Upon refraction you prescribed a slight prescription to help with distance vision and a stronger addition for reading. It was your testimony that you recommended that the patient wear glasses for close work.

On June 17, 2004, D. P. was examined by Dr. Schnayder, an ophthalmologist, who identified D. P.'s problem as an open angle glaucoma. Inter Ocular Pressure (IOP) elevation and an enlarged optic nerve head (ONH) are indicative of glaucoma. It was your testimony that in your practice, it is standard procedure to take measurements of Intra Ocular Pressure (IOP). These measurements are delegated to a technician who performs non-contact tonometry. However, in your notes no mention of an Inter Ocular Pressure (IOP) measurement were recorded, nor do the notes reflect an enlarged optic nerve head.

The Board reviewed the entire file in this matter, including the patient record and the testimony that you provided at the April 16, 2008 investigative inquiry where you were represented by James L. Pantages, Esquire. The Board has preliminarily found that probable cause exist to support a finding that you violated N.J.S.A. 13:31-2.1 (a) 4,5,6,8,9,10 and 11, in that the patient record of D.P. did not contain a recording of visual field testing, color vision testing, cup to disk ratio, keratometry, objective refractive findings, and stereopsis. Therefore, the minimum requirements for an eye examination were not met as required by the Board's regulation.

At this junction, the Board has preliminarily concluded that the above violations are sufficient to warrant the initiation of formal disciplinary proceeding against you. Notwithstanding that decision, however, the Board has determined that it will first offer you an opportunity to settle this matter, and thereby avoid the initiation of disciplinary proceedings, should you consent to:

1. The issuance of a reprimand for failure to keep proper and adequate patient records in violation of N.J.A.C. 13:38-2.1.

2. The respondent shall insure that the minimum requirements for an eye examination pursuant to N.J.A.C. 13:38-2.1 are met and recorded in all future patient records.

3. The respondent shall pay a civil penalty in the amount of Five Thousand dollars (\$5,000.00) for violation of the minimum examination regulation pursuant to N.J.A.C. 13:38-2.1 to be paid immediately upon the signing of the acknowledgement of this letter and mailed to the attention of Lisa Petrowski, Assistant to the Executive Director, Board of Optometrists, P.O. Box 45012, Newark, New Jersey, 07101.

4. The respondent shall pay costs in the amount of One Hundred Ninety Four dollars and fifty cents (\$194.50) made payable within thirty (30) days to the NJ State Board of Optometrists using the same procedure set forth in paragraph 3 above. Also enclosed is a certification of costs.

5. The respondent shall attend and successfully complete a three (3) hour course in record keeping given by an accredited college of optometry and pre-approved by the Board. Documentation of full attendance and successful completion of the course shall be provided to the Board. This course shall not be considered for satisfaction of the continuing education credits required for biennial renewal of the license to practice optometry as set forth in N.J.A.C. 13:38-7.3(e). Respondent is responsible for the costs of the course. The course must be complete within six months of the acceptance of this letter.

6. The respondent shall successfully complete a six (6) hour course in the diagnosis and treatment of glaucoma given by an accredited college of optometry and pre-approved by the Board. Documentation of full attendance and successful completion of the course shall be provided to the Board. This course shall not be considered for satisfaction of the continuing education credits required for biennial renewal of the license to practice optometry. The course must be completed within six months of the acceptance of this letter.

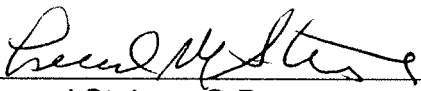
If you are willing to settle this matter on the offered settlement terms, you may do so by signing the acknowledgment at the bottom of this letter, and returning it to the Board office. Upon your signature, this letter will be a matter of public record.

In the event you are unwilling to settle this matter on the offered terms, it will be referred to the Attorney General's office for the initiation of appropriate enforcement action. In such event you will be afforded an opportunity to defend against the alleged violations. If an evidentiary hearing is deemed warranted the Board will either conduct the hearing at

a date and time to be scheduled or refer the matter to the Office of Administrative Law. You are advised, however, that in the event formal charges are filed, the Board may assess civil penalties in an amount greater than that herein offered in settlement should any charges against you be sustained. Additionally, the Board may, if the facts are found to so warrant, enter an order, requiring you to reimburse certain monies and /or requiring you to pay costs incurred by the Board. Should you have any questions concerning this letter or the settlement offer herein, I suggest that you have your attorney contact Deputy Attorney General, Carmen A. Rodriguez, who may be reached at (973) 648-3696.

If you elect to settle this matter, you should sign the acknowledgment at the bottom of this letter and return it to the Board within fifteen (15) days following your receipt of this letter. In the event the Board receives no response from you within fifteen (15) days, the Board's settlement offer will be withdrawn, and the matter will be referred to the Attorney General's Office for the initiation of appropriate enforcement proceedings.

NEW JERSEY STATE BOARD of OPTOMETRISTS

By:   
Leonard Steiner, O.D.  
President

ACKNOWLEDGMENT: I, Jeffrey Kaufman, O.D., hereby acknowledge that I have read and reviewed the settlement proposal set forth in the above letter. I acknowledge the conduct which has been charged. I am aware that, by signing this acknowledgment, I am waiving any rights that I may have to defend myself against any charges or wrongdoing at an administrative hearing. I am also aware that the action taken against me by the Board is a matter of public record, and that this letter is a matter of public record and includes a reprimand and that I attend a course in glaucoma and in record keeping. I hereby agree to pay a penalty in the amount of \$5000.00 and costs in the amount of \$194.50 for a total of Five Thousand, One Hundred, Ninety Four dollars and fifty cents (\$5,194.50) to be paid immediately upon signing of this acknowledgment.

  
Jeffrey Kaufman, O.D.

c: James L. Pantages, Esquire  
Carmen A. Rodriguez, Deputy Attorney General